

# INTERNATIONAL SEARCH REPORT

national Application No

PCT/US2004/032918

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07D333/38 C07D307/54 C07D261/18 C07D211/14 A61K31/495  
A61K31/381 A61K31/341 A61P15/02 A61P19/10 A61P35/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/77057 A (DUPONT PHARMACEUTICALS COMPANY) 18 October 2001 (2001-10-18) Scheme 1 claims 1-6	1-36
Y	SCANLAN T S ET AL: "Differential SERM activation of the estrogen receptors (ERalpha and ERbeta) at AP-1 sites" CHEMISTRY AND BIOLOGY, CURRENT BIOLOGY, LONDON, GB, vol. 8, no. 5, 2001, pages 427-436, XP002220838 ISSN: 1074-5521 paragraph '5.4.9!	1-36
Y	WO 01/77055 A (DUPONT PHARMACEUTICALS COMPANY) 18 October 2001 (2001-10-18) page 18, line 12 - line 34; claim 1	1-36
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*G\* document member of the same patent family

Date of the actual completion of the international search

4 May 2005

Date of mailing of the international search report

19/05/2005

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 03/016270 A (BRISTOL-MYERS SQUIBB PHARMA COMPANY) 27 February 2003 (2003-02-27) page 22, line 23 - page 23, line 7; claims 1,2	1-36
A	----- WO 92/04310 A (UNIVERSITY OF GEORGIA RESEARCH FOUNDATION, INC) 19 March 1992 (1992-03-19) page 9, paragraph 1	1-36
A	----- WILLSON T M ET AL: "3- $\beta$ -(1,2-DIPHENYLBUT-1-ENYL)PHENYLACRYLIC ACID: A NON-STEROIDAL ESTROGEN WITH FUNCTIONAL SELECTIVITY FOR BONE OVER UTERUS IN RATS" JOURNAL OF MEDICINAL CHEMISTRY, AMERICAN CHEMICAL SOCIETY, WASHINGTON, US, vol. 37, no. 11, 25 May 1994 (1994-05-25), pages 1550-1552, XP002057515 ISSN: 0022-2623 compound 6 -----	1-36

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## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 22-24 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 6-11  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box II.1

Although claims 22-24 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

## Continuation of Box II.2

Claims Nos.: 6-11

Present claims 6-11 relate to compounds defined by reference to a desirable characteristic or property, namely a certain "improvement in bioavailability in a rat". The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compounds by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the compounds of claim 1.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/032918

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0177057	A	18-10-2001	AT 276995 T	15-10-2004
			AU 5133001 A	23-10-2001
			CA 2403144 A1	18-10-2001
			DE 60105785 D1	28-10-2004
			EP 1268389 A2	02-01-2003
			JP 2004517033 T	10-06-2004
			WO 0177057 A2	18-10-2001
			US 2002013297 A1	31-01-2002
WO 0177055	A	18-10-2001	AT 269291 T	15-07-2004
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			EE 200400061 A	15-04-2004
			EP 1417169 A2	12-05-2004
			SK 602004 A3	03-11-2004
			WO 03016270 A2	27-02-2003
			US 2003105148 A1	05-06-2003
WO 9204310	A	19-03-1992	US 5189212 A	23-02-1993
			AU 8748991 A	30-03-1992
			CA 2089373 A1	08-03-1992
			EP 0547179 A1	23-06-1993
			JP 6504037 T	12-05-1994
			WO 9204310 A1	19-03-1992